

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:21-CV-00072-FDW

JOHNATHAN SHEW,

Plaintiff,

vs.

KILOLO KIJAKAZI, *Acting Commissioner*
of Social Security,¹

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Summary Judgment, (Doc. No. 12), and Defendant's Motion for Remand to Social Security Administration, (Doc. No. 14). Plaintiff, through counsel, consents to Defendant's Motion for Remand.

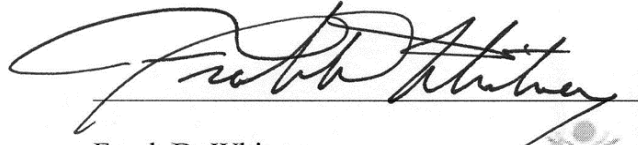
For good cause shown, the Court hereby REVERSES the Acting Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and REMANDS the case to the Acting Commissioner for further administrative proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

The Clerk of the Court is respectfully DIRECTED to enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul, as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Signed: January 27, 2022


Frank D. Whitney
United States District Judge

